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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,870	09/25/2003	Joachim Johannes Niewels	H-596-1-US	5784

24132 7590 08/19/2005

HUSKY INJECTION MOLDING SYSTEMS, LTD
CO/AMC INTELLECTUAL PROPERTY GRP
500 QUEEN ST. SOUTH
BOLTON, ON L7E 5S5
CANADA

EXAMINER

HEITBRINK, TIMOTHY W

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,870

Applicant(s)

NIEWELS, JOACHIM JOHANNES

Examiner

Tim Heitbrink

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-7, 24 and 26 is/are allowed.
6) ☒ Claim(s) 8-10, 12-23, 25 is/are rejected.
7) ☒ Claim(s) 11 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9-25-03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The disclosure is objected to because of the following informalities: in paragraph 1, the status of 09/900083 should be updated; in paragraph 12, line 5, "form" should be changed to --from--.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8,9,12-17,19 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer (US Patent 5,695,793).

Bauer discloses an injection molding apparatus having a replaceable insert 76 located in a gate insert 78. The insert 76 having a sealing portion adjacent the mold cavity for receiving an end portion of a valve stem and a tapered portion to guide the valve stem. The valve stem having a smaller neck portion leading to a short head portion which facilitates backflow of melt around the head portion as the valve is driven forwardly.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer as applied to claims 8,9,12-17,19 and 25 above, and further in view of Cateon et al. (US Patent 6,214,275).

While the mold cavity of Bauer goes not have a vestige, Cateon discloses a vestige in a mold cavity insert 34 to be conventional where the cavity insert 34 surrounds a replaceable insert 14.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide locate the insert of Bauer in a cavity insert where the insert forms part of the mold cavity and has a vestige.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer as applied to claims 8,9,12-17,19 and 25 above, and further in view of Jenko (US Patent 6,135,757).

While Bauer does not use at least one elongated slot on the outside of the valve stem to provide backflow, Jenko discloses a valve stem 140 having elongated slots 128 to provide backflow to be conventional.

Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer as applied to claims 8,9,12-17,19 and 25 above, and further in view of Gellert et al. (US Patent 6,318,990).

While Bauer does not disclose titanium or ceramic as a suitable insert material, Gellert et al. discloses an insert 136 made of either titanium or ceramic to be conventional .

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Claims 1-7, 24 and 26 are allowed since the prior art fails to disclose or suggest a sealing portion of the bore having a smaller diameter than that of the vestige as set forth in the claims.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Heitbrink whose telephone number is 571-272-1132. The examiner can normally be reached on Tuesday-Friday 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Utech can be reached on 571-272-1137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tim Heitbrink
Primary Examiner
Art Unit 1722
8-18-05

twh